



✉ P.O. Box 472  
Monsey, NY 10952

☎ (973) 321-4296

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July 30, 2018

To: Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12th Street, SW  
Washington, DC 20554

Subject: Appeal of USAC Funding Decision - Docket 02-6

Request for Review

From: Gold Consulting Team  
Leah Lax  
CRN 16066397

School: TALMUD TORAH TZOIN YOSEF PUPA INC.

Entity: 153710

We are appealing the SLD decision to deny funding for FRNs 2362424, 2362425 and 2362426 of Form 471 number 866745.

In the Funding Commitment Decision Letter dated 3/8/2018 it states: The FRN is denied because the applicant failed to provide at the request of the Program Administrator all requested documentation. Specifically, prior to commitment of the FRN, you were asked to submit documentation to support that the services requested in the FRN were delivered during the funding year and/or you were asked to provide vendor documentation in support of the FRN. Documentation provided failed to demonstrate that the specific services requested in the FRN were delivered during the funding year. Therefore, your FRN is denied.

We appealed this directly with USAC on the grounds that the school believes they sent USAC the invoices that support the above listed FRNs. On 07/19/2018 we received an Administrator's Decision on Appeal, denying our appeal the reason given was as follows:



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*“The record shows that the above listed funding request numbers (FRNs) were denied because the applicant failed to provide all requested documentation. Specifically, prior to commitment of the FRNs, applicant was asked to submit documentation to support that the services requested in the FRNs were delivered during the funding year and/or you were asked to provide vendor documentation in support of the FRNs. Documentation provided failed to demonstrate that the specific services requested in the FRNs were delivered during the funding year. The information provided on appeal is the same information that was provided during initial review. Consequently, your appeal is denied.”*

#### Our appeal to the FCC

We are appealing this decision with the FCC based on the following:

1) We believe that the vendor invoices that the school had submitted during the initial request (and later also submitted during our appeal) was sufficient to support that the services requested in the above mentioned FRNs were delivered during the funding year.

2) In the initial USAC review received on 4/23/2017 the reviewer asked the following (included with this appeal): *Our records show that several Forms 471 applications are still under PIA review with funding requests for Basic Maintenance of Internal Connections with Birns Telecommunications, Inc. SPIN 143008024. Since all requests in this category are for services to be delivered within July 1 through June 30, please advise if maintenance services were received during Funding Year 2012 (7/1/2012-6/30/2013). for the FRNs in question. If Yes, please provide the related supporting vendor documentation.*

Basically all the reviewer requested, was for the school to confirm if the services were delivered, and if yes, to provide the related vendor documentation. The school confirmed and provided the requested vendor documentation.

3) Also we believe if USAC wasn't for any reason satisfied with the vendor invoices that the school submitted they should have reached out again to the school with what precisely they were looking for as the school had no way to know that vendor invoices submitted wasn't sufficient. USAC didn't reach out to the school not during the original review nor during the appeal process.

Thanks for this opportunity.

Leah Lax, Consultant CRN 16066397



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April 8, 2018

To: Letter of Appeal

Schools and Libraries Division - Correspondence Unit

Fax: 973-599-6542

School: TALMUD TORAH TZOIN YOSEF PUPA INC.

Entity: 153710

We are appealing the SLD decision to deny funding for FRNs 2362424, 2362425 and 2362426 of Form 471 number 866745.

In the Funding Commitment Decision Letter dated 3/8/2018 it states: The FRN is denied because the applicant failed to provide at the request of the Program Administrator all requested documentation. Specifically, prior to commitment of the FRN, you were asked to submit documentation to support that the services requested in the FRN were delivered during the funding year and/or you were asked to provide vendor documentation in support of the FRN. Documentation provided failed to demonstrate that the specific services requested in the FRN were delivered during the funding year. Therefore, your FRN is denied..

We are appealing this decision because the school believes they sent USAC the invoices that support the above listed FRNs. We are including the invoices and the cover letter the school sent USAC back on April, 2017.

Thanks for this opportunity.

Leah Lax, Consultant CRN 16066397

**Talmud Torah Tzoin Yosef Pupa Inc.**  
**15 Widman Court / 246 North Main Street**  
**Spring Valley, NY 10977**

04/23/2017

Fabio Nieto  
Associate Manager, Special Compliance  
30 Lanidex Plaza West | Parsippany, NJ 07054  
T: 973.581.5045 | F: 973.599.6552  
[Fabio.Nieto@sl.universalservice.org](mailto:Fabio.Nieto@sl.universalservice.org)

The attached spreadsheet (TAB "Circuits") includes those FRNs that have requested and/or received funds for service provided via a Digital High Speed Circuit. Several of these services were listed as "Shared" services on the Forms 471. In order to help us understand the entity(ies) and location(s) receiving these services, please input the BEN/location for each FRN listed in the attached spreadsheet. Please also clearly explain the functionality and usage of the service for each FRN. You may input your response directly in Columns J and K of the spreadsheet. You should provide vendor documentation (i.e. invoice, etc) to support the funding requests and demonstrates that services were delivered.

**Please see the attached spreadsheet.**

**II.**

In addition, you have requested internet access/high speed connectivity service from multiple service providers for the same service to a single location(s). Please indicate if any of these services are duplicative and should be canceled. If they are not duplicative, please provide supporting documentation that clearly differentiates the functionality and usage. Please also explain how you determined these services as the most cost effective solution for your school for each Funding Year. You should provide vendor documentation (i.e. invoice, etc) to support the funding requests and demonstrates that services were delivered.

**Please see the attached spreadsheet.**

**III.**

Our records show that several Forms 471 applications are still under PIA review with funding requests for Basic Maintenance of Internal Connections with Birns Telecommunications, Inc. SPIN 143008024. Since all requests in this category are for services to be delivered within July 1 through June 30, please advise if maintenance services were received during Funding Year 2012 (7/1/2012-6/30/2013). Please refer to the attached spreadsheet TAB "BMIC" for the FRNs in question. If Yes, please provide the related supporting vendor documentation. If no services were received for the FRNs, please confirm that these FRNs should be canceled.

**The maintenance services requested with Birns Telecommunications were delivered within July 1 through June 30 of funding year 2012. Please see the attached invoices.**

**Birns Telecom Inc.**

POB 3415 - Church St Sta  
New York, NY 10008-3415  
Phone: (212) 807-6000 - Fax: (212) 645-0094

**Invoice**

Invoice Number: SC 72662  
Invoice Date: 6/30/2013  
8453711220

**Bill To**

**Talmud Torah Tzoin Yosef Pupa, Inc**  
15 Widman Court  
Spring Valley, NY 10977

Description	QTY	Price	Extension
LAN annual s/c for operating system & remote technical support 7/1/12 exp 6/30/13	1	9,088.20	9,088.20
		<b>Sub Total</b>	<b>\$9,088.20</b>
		<b>Invoice Total</b>	<b>\$9,088.20</b>

This invoice is for 90% of qualified items only (FRN #2362424)

Please pay upon receipt. Please pay within terms.  
Please enclose one copy with your payment  
Thank You. Your business is appreciated

FRN 2362424

**Birns Telecom Inc.**

POB 3415 - Church St Sta  
New York, NY 10008-3415  
Phone: (212) 807-6000 - Fax: (212) 645-0094

**Invoice**

Invoice Number: SC 72663  
Invoice Date: 6/30/2013  
8453711220

**Bill To**

**Talmud Torah Tzoin Yosef Pupa, Inc**  
15 Widman Court  
Spring Valley, NY 10977

Description	QTY	Price	Extension
LAN annual s/c for operating system & remote technical support 7/1/12 exp 6/30/13	1	1,009.80	1,009.80
		<b>Sub Total</b>	<b>\$1,009.80</b>
		<b>Invoice Total</b>	<b>\$1,009.80</b>

This invoice is for 10%, Customer responsible for this amount.

Please pay upon receipt. Please pay within terms.  
Please enclose one copy with your payment  
Thank You. Your business is appreciated

FRN 2312424

**Birns Telecom Inc.**

**Invoice**

POB 3415 - Church St Sta  
New York, NY 10008-3415  
Phone: (212) 807-6000 - Fax: (212) 645-0094

Invoice Number: SC 72668  
Invoice Date: 6/30/2013  
8453711220

**Bill To**

**Talmud Torah Tzoin Yosef Pupa, Inc**  
15 Widman Court  
Spring Valley, NY 10977

Description	QTY	Price	Extension
Replacement parts	1	2,655.00	2,655.00
Labor charge per hour on IP PBX Lan from 7/1/12 thru 6/30/13	6	161.10	966.60
	<b>Sub Total</b>		<b>\$3,621.60</b>
	<b>Invoice Total</b>		<b>\$3,621.60</b>

This invoice is for 90% of on site parts and labor charge (FRN # 2362424)

Please pay upon receipt. Please pay within terms.  
Please enclose one copy with your payment  
Thank You. Your business is appreciated

FRN 2362424

**Birns Telecom Inc.**

**Invoice**

POB 3415 - Church St Sta  
New York, NY 10008-3415  
Phone: (212) 807-6000 - Fax: (212) 645-0094

Invoice Number: SC 72669  
Invoice Date: 6/30/2013  
8453711220

**Bill To**

**Talmud Torah Tzoin Yosef Pupa, Inc**  
15 Widman Court  
Spring Valley, NY 10977

Description	QTY	Price	Extension
Replacement parts	1	295.00	295.00
Labor charge per hour on IP PBX Lan	6	17.90	107.40
	<b>Sub Total</b>		<b>\$402.40</b>
	<b>Invoice Total</b>		<b>\$402.40</b>

This invoice is for 10%, Customer responsible for this amount.

Please pay upon receipt. Please pay within terms.  
Please enclose one copy with your payment  
Thank You. Your business is appreciated

*FRN 2362424*

**Birns Telecom Inc.**

**Invoice**

POB 3415 - Church St Sta  
New York, NY 10008-3415  
Phone: (212) 807-6000 - Fax: (212) 645-0094

Invoice Number: SC 72672  
Invoice Date: 6/30/2013  
8453711220

**Bill To**

**Talmud Torah Tzoin Yosef Pupa, Inc**  
15 Widman Court  
Spring Valley, NY 10977

Description	QTY	Price	Extension
Labor charge per hour on Lan from 7/1/12 thru 6/30/13	24	161.10	3,866.40
		<b>Sub Total</b>	<b>\$3,866.40</b>
		<b>Invoice Total</b>	<b>\$3,866.40</b>

This invoice is for 90% of on site parts and labor charge (FRN # 2362424)

Please pay upon receipt. Please pay within terms.  
Please enclose one copy with your payment  
Thank You. Your business is appreciated

*FRN 2362424*

**Birns Telecom Inc.**

POB 3415 - Church St Sta  
New York, NY 10008-3415  
Phone: (212) 807-6000 - Fax: (212) 645-0094

**Invoice**

Invoice Number: SC 72673  
Invoice Date: 6/30/2013  
8453711220

**Bill To**

**Talmud Torah Tzoin Yosef Pupa, Inc**  
15 Widman Court  
Spring Valley, NY 10977

Description	QTY	Price	Extension
Labor charge per hour on Lan	24	17.90	429.60
		<b>Sub Total</b>	<b>\$429.60</b>
		<b>Invoice Total</b>	<b>\$429.60</b>

This invoice is for 10%, Customer is responsible for this amount.

Please pay upon receipt. Please pay within terms.  
Please enclose one copy with your payment  
Thank You. Your business is appreciated

*JAN 2362424*

**Birns Telecom Inc.**

POB 3415 - Church St Sta  
New York, NY 10008-3415  
Phone: (212) 807-6000 - Fax: (212) 645-0094

**Invoice**

Invoice Number: SC 72664  
Invoice Date: 6/30/2013  
8453711220

**Bill To**

**Talmud Torah Tzoin Yosef Pupa, Inc**  
15 Widman Court  
Spring Valley, NY 10977

Description	QTY	Price	Extension
Shoretel IP PBX annual s/c for operating syst & remote technical support 7/1/12 exp 6/30/13	1	14,220.00	14,220.00
	<b>Sub Total</b>		<b>\$14,220.00</b>
	<b>Invoice Total</b>		<b>\$14,220.00</b>

This invoice is for 90% of qualified items only (FRN # 2362425)

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Thank You. Your business is appreciated

FRN 2362425

**Birns Telecom Inc.**

POB 3415 - Church St Sta  
New York, NY 10008-3415  
Phone: (212) 807-6000 - Fax: (212) 645-0094

**Invoice**

Invoice Number: SC 72665  
Invoice Date: 6/30/2013  
8453711220

**Bill To**

**Talmud Torah Tzoin Yosef Pupa, Inc**  
15 Widman Court  
Spring Valley, NY 10977

Description	QTY	Price	Extension
Shortel IP PBX annual s/c for operating syst & remote technical support 7/1/12 exp 6/30/13	1	1,580.00	1,580.00
		<b>Sub Total</b>	<b>\$1,580.00</b>
		<b>Invoice Total</b>	<b>\$1,580.00</b>

This invoice is for 10%, Customer is responsible for this amount

Please pay upon receipt. Please pay within terms.  
Please enclose one copy with your payment  
Thank You. Your business is appreciated

FRN 2362425

**Birns Telecom Inc.**

**Invoice**

POB 3415 - Church St Sta  
New York, NY 10008-3415  
Phone: (212) 807-6000 - Fax: (212) 645-0094

Invoice Number: SC 72670  
Invoice Date: 6/30/2013  
8453711220

**Bill To**

**Talmud Torah Tzoin Yosef Pupa, Inc**  
15 Widman Court  
Spring Valley, NY 10977

Description	QTY	Price	Extension
Replacement parts	1	3,145.50	3,145.50
Labor charge per hour on IP PBX from 7/1/12 thru 6/30/13	11	161.10	1,772.10
		<b>Sub Total</b>	<b>\$4,917.60</b>
		<b>Invoice Total</b>	<b>\$4,917.60</b>

This invoice is for 90% of on site parts and labor charge (FRN # 2362425)

Please pay upon receipt. Please pay within terms.  
Please enclose one copy with your payment  
Thank You. Your business is appreciated

FRN 2362425

**Birns Telecom Inc.**

POB 3415 - Church St Sta  
New York, NY 10008-3415  
Phone: (212) 807-6000 - Fax: (212) 645-0094

**Invoice**

Invoice Number: SC 72671  
Invoice Date: 6/30/2013  
8453711220

**Bill To**

**Talmud Torah Tzoin Yosef Pupa, Inc**  
15 Widman Court  
Spring Valley, NY 10977

Description	QTY	Price	Extension
Replacement parts	1	349.50	349.50
Labor charge per hour on IP PBX from 7/1/12 thru 6/30/13	11	17.90	196.90
		<b>Sub Total</b>	<b>\$546.40</b>
		<b>Invoice Total</b>	<b>\$546.40</b>

This invoice is for 10%, Customer responsible for this amount.

Please pay upon receipt. Please pay within terms.  
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Thank You. Your business is appreciated

FRN 2862425

**Birns Telecom Inc.**

POB 3415 - Church St Sta  
New York, NY 10008-3415  
Phone: (212) 807-6000 - Fax: (212) 645-0094

**Invoice**

Invoice Number: SC 72666  
Invoice Date: 6/30/2013  
8453711220

**Bill To**

**Talmud Torah Tzoin Yosef Pupa, Inc**  
15 Widman Court  
Spring Valley, NY 10977

Description	QTY	Price	Extension
IP PBX Lan infrastucture s/c for operating sy & remote technical support 7/1/12 exp 6/30/13	1	8,482.32	8,482.32
		Sub Total	\$8,482.32
		Invoice Total	\$8,482.32

This invoice is for 90% of qualified items only (FRN # 2362426)

Please pay upon receipt. Please pay within terms.  
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Thank You. Your business is appreciated

FRN 2362426

# Birns Telecom Inc.

# Invoice

POB 3415 - Church St Sta  
New York, NY 10008-3415  
Phone: (212) 807-6000 - Fax: (212) 645-0094

Invoice Number: SC 72667  
Invoice Date: 6/30/2013  
8453711220

**Bill To**

**Talmud Torah Tzoin Yosef Pupa, Inc**  
15 Widman Court  
Spring Valley, NY 10977

Description	QTY	Price	Extension
IP PBX Lan infrastucture s/c for operating sy & remote technical support 7/1/12 exp 6/30/13	1	942.40	942.40
		<b>Sub Total</b>	<b>\$942.40</b>
		<b>Invoice Total</b>	<b>\$942.40</b>

This invoice is for 10%, Customer is responsible for this amount.

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Please enclose one copy with your payment  
Thank You. Your business is appreciated

FRN 2362426